

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF REGULAR SCHEDULED MEETING OF  
DECEMBER 15, 2016  
IN COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
CITY ADMINISTRATION BUILDING  
202 C STREET, SAN DIEGO, CA 92101**

**CHRONOLOGY OF THE MEETING:**

Chairperson Stephen Haase called the meeting to order at 9:12 a.m. Chairperson Stephen Haase adjourned the meeting at 2:22 p.m.

**ATTENDANCE DURING THE MEETING:**

Chairperson Stephen Haase – present  
Vice-Chairperson Sue Pearson – present  
Commissioner James Whalen – present / out at 1:30 p.m.  
Commissioner Anthony Wagner – present / out at 12:08 p.m.  
Commissioner Theresa Quiroz – present  
Commissioner Douglas Austin – present  
Commissioner William Hofman - present

Staff

Shannon Thomas, City Attorney – present  
Jeff Murphy, Planning Department – present  
Robert Vacchi, Development Services Department – present  
Louis Schultz, Development Services Department - present  
Carmina Trajano, Recorder –present

ITEM – 1:           **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:**

Ron Slayen commented on 3500 Estudillo St. Marijuana Dispensary.

Scott Chipman commented on possible Conflict of Interest by two members of the Planning Commission.

Bob Otilie commented on Recusal of Mr. Wagner.

ITEM – 2:           **REQUESTS FOR CONTINUANCE AND/OR ITEMS TO BE WITHDRAWN:**

NONE

ITEM – 3:           **REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:**

ITEM # 11 – DELTA UPSILON FRATERNITY – PROJECT NO. 480185

ITEM # 12 – THE BEACON – PROJECT NO. 2016-19

ITEM – 4:           **APPROVAL OF THE AGENDA:**

Accepted as presented.

ITEM – 5:           **DIRECTOR’S REPORT:**

Robert Vacchi congratulated Mr. Murphy for being here as the Planning Director for one year. During that time, Mr. Murphy completed six Community Plan Updates which he thought was unprecedented. He also congratulated the staff as well.

Jeff Murphy commented that the interviews for the Deputy Director Nancy Bragado’s position are going to commence next week and he hopes to have the position filled as early in January.

ITEM – 6:           **COMMISSION COMMENT:**

Commissioner Austin commented that he had the pleasure of participating in a forum in Mexico City last week, where they were speaking about making Cities more livable for people. They invited speakers from around the world to speak and he was

invited to talk about the success in San Diego and wants to share that. Downtown especially had a great deal of success; they talked about mobility, public realm, zoning, mixed-use and public participation. Commissioner Austin was invited because they felt that San Diego was a good example of looking at something especially the Downtown core; if you look at it in the 70's and look at it now, it's been a real transformation in the renaissance from the linear parks to Horton Plaza and the Ballpark district. There are number of things have happened and are done right. He thought that the Community Plan Updates and the Mobility Plans are going in the right direction. He stated that many times the focus was on what was done wrong, but he believes that we can still do things better and still learned from that. It was recognized internationally and he was honored to be part of that great forum and learned a lot from it.

Commissioner Haase commented that the 2017 Planning Commission Calendar is now available and reminded the Commission to get it so they can mark their calendars. He also thanked the staff for getting that out.

ITEM – 7: **APPROVAL OF MINUTES FROM NOVEMBER 17, 2016**

COMMISSIONER WAGNER MADE THE MOTION TO APPROVE THE MINUTES FROM NOVEMBER 17, 2016. Commissioner Quiroz seconded the motion. The motion passed by a vote of 7-0 with Commissioners Haase, Hofman, Austin, Quiroz, Peerson, Wagner and Whalen voting yea.

ITEM – 8: ***Appeal of Hearing Officer's decision on October 12, 2016***

**HERSCHEL TRIPLEX TM CDP – PROJECT NO. 483102**

City Council District: 1                      Plan Area: La Jolla

Staff: Gaetano Martedi

Speaker slips in favor of the project submitted by Brian Sorokin, Tim Golba, Peter Ovanenessorf and Matt DeVincenzo

Speaker slips in opposition to the project submitted by Kevin Haley and David Little.

COMMISSIONER HOFMAN MADE THE MOTION TO DENY THE APPEAL AND APPROVE TENTATIVE MAP NO. 1692366 AND COASTAL DEVELOPMENT PERMIT NO. 1692367. Commissioner Wagner seconded the motion. The motion passed by a vote of 7-0 with Commissioners Haase, Hofman, Austin, Quiroz, Peerson, Wagner and Whalen voting yea.

ITEM – 9: ***Continued from December 1, 2016; Appeal of Hearing Officer's decision on September 21, 2016***

**7-ELEVEN, 3911 UNIVERSITY AVENUE – PROJECT NO. 442481**

City Council District: 9                      Plan Area: City Heights

Staff: Derrick Johnson

***Public testimony was closed on December 1, 2016.***

**COMMISSION ACTION:**

COMMISSIONER WHALEN MADE THE MOTION TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE HEARING OFFICER TO APPROVE CONDITIONAL USE PERMIT NO. 1547444 WITH REVISED CONDITIONS. Commissioner Peerson seconded the motion. The motion passed by a vote of 6-1 with Commissioners Haase, Hofman, Austin, Peerson, Wagner and Whalen voting yea and with Commissioner Quiroz voting nay.

ITEM – 10: **T-MOBILE SAN CARLOS RECREATION – PROJECT NO. 417126**

City Council District: 7                      Plan Area: Navajo

Staff: Karen Lynch

Speaker slips in favor of the project submitted by Jerrod Ploof, Chuck Carter, Barbara Carter, Kevin Mallory, Vicki Mabry and Andrew Schwartz.

Speaker slips in opposition to the project submitted by Jeff Steichen and Matthew Ramey.

COMMISSIONER WAGNER MADE THE MOTION TO APPROVE CONDITIONAL USE PERMIT NO. 1648965 AND NEIGHBORHOOD USE PERMIT NO.1671974. Commissioner Austin seconded the motion. The motion passed by a vote of 7-0 with Commissioners Haase, Hofman, Austin, Quiroz, Peerson, Wagner and Whalen voting yea.

ITEM – 11: **DELTA UPSILON FRATERNITY – PROJECT NO. 480185**

City Council District: 9                      Plan Area: College

Staff: Renee Mezo

Speaker slips in favor of the project submitted by Lou Haberkern

No speaker slips in opposition to the project were submitted.

**COMMISSION ACTION:**

COMMISSIONER WAGNER MADE THE MOTION TO PLACE THIS ITEM ON CONSENT APPROVING THE STAFF RECOMMENDATION TO APPROVE CONDITIONAL USE PERMIT NO. 1692183 AND PLANNED DEVELOPMENT PERMIT NO.1692184. Commissioner Whalen seconded the motion. The motion passed by a vote of 7-0 with Commissioners Haase, Hofman, Austin, Quiroz, Peerson, Wagner and Whalen voting yea.

ITEM – 12: **\* THE BEACON – PROJECT NO. 2016-19**

City Council District: 3                      Plan Area: Downtown

Staff: Christian Svensk

Speaker slips in favor of the project submitted by Marie Lia and Diego Velasco.

Speaker slips in opposition to the project submitted by Amie Hayes. (Note: Item had already concluded and submitted slip approximately 11 a.m.)

COMMISSIONER WAGNER MADE THE MOTION TO PLACE THIS ITEM ON CONSENT APPROVING THE STAFF RECOMMENDATION TO APPROVE CCDP/SDP NO. 2016-19 FOR THE PROJECT. Commissioner Hofman seconded the motion. The motion passed by a vote of 7-0 with Commissioners Haase, Hofman, Austin, Quiroz, Peerson, Wagner and Whalen voting yea.

ITEM – 13: **ADULT USE OF MARIJUANA ACT AMENDMENTS – PROJECT NO. 12003223**

City Council District: All                      Plan Area: City-Wide

Staff: Dan Normandin

Speaker slips in favor of the project submitted by Khoa Nguyen, Phil Roth, Will Senn and Carol Green.

Speaker slips in opposition to the project submitted by Ann Hollenbaugh, Greg Magdoff, Frances Eleanor Fellers, Kathleen Lippitt, David Jansen, Mara Felsen, Martha Sullivan, Terrie Best, Barbara Gordon, Christopher Siegel, Jessica McElfresh, Ninus Malan, Dario Farisato, Scott Chipman, Peggy Walker, Judi Strang, Nasser Azimi, Aaron Magagnu, William Greene, Salam Kazuki, Christina Urban, Gina Austin, Dina Goldberg, Eric Goldberg, Richard Andrews, Jim Bartell, Adam Knoff, Scott Pack, Bianca Martinez, Cynara Velazquez and Jehoan Espinosa.

COMMISSIONER HOFMAN MADE THE MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF AMENDMENTS ADDRESSING THE ADULT USE OF MARIJUANA ACT AND THE MEDICAL MARIJUANA CONSUMER COOPERATIVE REGULATIONS AND TO INCLUDE THE FOLLOWING RECOMMENDATIONS:

- REMOVE THE PROHIBITIONS THAT ARE IN THE DRAFT FOR CULTIVATION, TESTING, PROCESSING, STORAGE & DISTRIBUTION
  - REQUIRE A CUP FOR THESE WITH TIME LIMITATIONS
- REQUIRE THAT ALL CULTIVATION BE SECURED
- FURTHER REDEFINE PARKS... CONSIDERED CLARIFYING LANGUAGE THAT ADDRESSES THE USERS OF THE PARK
- REVIEW PARKING REQUIREMENTS
  
- REMOVE THE SEPARATION REQUIREMENT OF OUTLETS FROM ONE ANOTHER
- PROVIDE STANDARDS FOR RETAIL OUTLETS (MINIMUM SIZES/REQUIRED AREAS)
- REMOVE FROM CONSIDERATION OF AN EXTENSION OF TIME FOR A REZONE AFTER APPROVAL OF A CUP THAT WOULD CAUSE THE OUTLET TO NO LONGER BE AN ALLOWABLE USE WITH A CUP.
- CONSIDER A SEPARATE ORDINANCE FOR DELIVERIES.

Commissioner Austin seconded the motion. The motion passed by a vote of 5-0-2 with Commissioners Haase, Hofman, Austin, Quiroz and Peerson voting yea and with Commissioner Wagner recusing and with Commissioner Whalen absent.